

[JOINT FILING - SEE SIGNATURE PAGE FOR COUNSEL]

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

eBay Inc. and Microsoft Corporation,
Plaintiffs and Counterclaim-
Defendants,

vs.

PartsRiver, Inc. and Kelora Systems, LLC,
Defendants and Counterclaim-
Plaintiff.

No. 4:10-cv-4947-CW (filed Nov. 2, 2010)

**STIPULATION AND ORDER
RELATING CASES**

[CIVIL L.R. 3-12 AND 7-12]

STIPULATION

Pursuant to Civil Local Rule 3-12(b) and Civil Local Rule 7-12, Kelora Systems, LLC (“Kelora”) and Adobe Systems Incorporated (“Adobe”) file this stipulation and proposed order asking the Court to consider whether the following actions are related:

1. This action: *eBay Inc. and Microsoft Corp. v. PartsRiver, Inc. and Kelora Systems, LLC*, No. 4:10-cv-4947-CW (filed Nov. 2, 2010);

2. New action: *Adobe Systems Incorporated v. Kelora Systems, LLC*, No. 3:11-cv-03938-WHA (filed August 10, 2011).

3. First-filed case to which this action was previously related by this Court: *PartsRiver, Inc., v. Shopzilla, Inc.; Yahoo! Inc.; eBay Inc.; and Microsoft Corporation*, No. 4:09-cv-00811-CW (filed Feb. 25, 2009) (“Case No. 09-811”).

4. Other actions previously related to Case No. 09-811 per this Court’s orders: *eBay Inc. v. PartsRiver, Inc. and Kelora Systems, LLC*, No. 4:10-cv-5106-CW (filed Nov. 10, 2010); and *Microsoft Corp. v. PartsRiver, Inc. and Kelora Systems, LLC*, No. 4:10-cv-5108-CW (filed Nov. 10, 2010); *Kelora Systems, LLC v. Target Corporation et al.*, No. 5:11-cv-1548-CW (filed Nov. 8, 2010); *Shopzilla, Inc. v. Kelora Systems, LLC*, No. 4: 11-cv-00502-CW (filed Feb. 2,

2011); *Cabela's Inc. v. Kelora Systems, LLC*, No. 3:11-cv-1398 (filed March 23, 2011); *Nebraska Furniture Mart Inc. v. Kelora Systems, LLC*, No. 4:11-cv-02284 (filed May 10, 2011).

All of the above-referenced actions concern United States Patent No. 6,275,821. The new action filed on August 10, 2011, concerns Kelora, a party to the actions previously related to Case No. 09-811 per this Court's orders. Adobe is a declaratory judgment plaintiff in the new action.

Kelora and Adobe therefore agree that the actions listed above are "related" as defined by Civil Local Rule 3-12(a), and that the new action filed August 10, 2011, should be reassigned to the judge presiding over the first-filed action (Case No. 09-811): Judge Wilken in the Oakland Division.

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

Dated: September 29, 2011

By: /s/ Robert D. Becker

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1 Dated: September 29, 2011

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26 **SIGNATURE ATTESTATION**

27 Pursuant to General Order No. 45(X)(B), I hereby certify that concurrence in the filing of
28 this document has been obtained from each of the other signatories shown above.

/s/ Robert D. Becker

Robert D. Becker

ORDER RELATING CASES

As the judge assigned to the earliest filed case below that bears my initials, I find that the recently filed case that I have initialed below is related under Civil Local Rule 3-12 to the cases below already assigned to me, and that this recently filed case shall be reassigned to me.

Original and previously related cases:

PartsRiver, Inc., v. Shopzilla, Inc.; Yahoo! Inc.; eBay Inc.; and Microsoft Corporation, No. 4:09-cv-00811-CW (filed Feb. 25, 2009);

eBay Inc. and Microsoft Corp. v. PartsRiver, Inc. and Kelora Systems, LLC, No. 4:10-cv-4947-CW (filed Nov. 2, 2010);

Kelora Systems, LLC v. Target Corporation et al., No. 5:11-cv-1548-CW (filed Nov. 8, 2010);

eBay Inc. v. PartsRiver, Inc. and Kelora Systems, LLC, No. 4:10-cv-5106-CW (filed Nov. 10, 2010);

Microsoft Corp. v. PartsRiver, Inc. and Kelora Systems, LLC, No. 4:10-cv-5108-CW (filed Nov. 10, 2010);

Shopzilla, Inc. v. Kelora Systems, LLC, No. 4:11-cv-00502-CW (filed Feb. 2, 2011).

Cabela's, Inc. v. Kelora Systems, LLC, No. 3:11-cv-1398-WHA (filed Mar. 23, 2011).

Nebraska Furniture Mart Inc. v. Kelora Systems, LLC, No. 4:11-cv-02284 (filed May 10, 2011).

New action to be assigned:

Adobe Systems Incorporated v. Kelora Systems, LLC, No. 3:11-cv-03938-WHA (filed August 10, 2011).

I find that the above case is related to the cases assigned to me. CW

SO ORDERED.

Dated: 10/4/2011


CLAUDIA WILKEN
United States District Judge